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August 31, 2006

**BY E-FILING**

The Honorable Kent A. Jordan  
United States District Court  
for the District of Delaware  
844 King Street  
Wilmington, DE 19801

Re: Honeywell, et al. v. Apple Computer, et al., C.A. No. 04-1338-KAJ

Dear Judge Jordan:

We represent the Honeywell entities in this matter. We write to respectfully request that the Court hold a teleconference on September 14, 2006 to address Honeywell's concerns about the defendants' failure, as of the date of this letter, to produce a single document and to otherwise engage in discovery.

On August 25, we contacted chambers and requested dates for a telephonic hearing. On that same day we circulated dates to the defendants. Two defendant groups, Fuji and the Epson defendants, have agreed to September 14 at 11:00 a.m. for the proposed hearing. A group of defendants, however, feel that these issues are not timely and would not agree on a date. For reasons we would outline substantively in our letter briefing, however, Honeywell believes: (1) that it has exhausted its efforts to force defendants to produce basic discovery in a timely manner; and (2) that if defendants are not ordered to produce documents and otherwise engage in discovery—which to date they have not—then the schedule governing this case is threatened.

Consequently, we request that the Court hear Honeywell's concerns regarding discovery as to the defendant group broadly, and not merely as to Fuji and the Epson entities, on September 14 at 11:00 a.m. (or such other time as the Court finds convenient). Honeywell is prepared to substantively brief these issues in a letter on September 7, as required by this Court's procedures.

Respectfully,

Thomas C. Grimm (#1098)

/klm

cc: Dr. Peter T. Dalleo, Clerk (by hand)  
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